

Application No.: 09/205,297

REMARKS

Claims 29-48 are pending and stand ready for further action on the merits. Claims 36-47 have been withdrawn from consideration as being drawn to non-elected subject matter. Applicants note with appreciation that the Examiner has indicated claim 48 as being allowed. Claim 27 has been cancelled and claims 29, 30 and 33 have been amended to depend from claim 48. The above-amendment has not been made for the sake of patentability and/or does not narrow the scope of the invention. No new matter has been added by way of the above-amendment.

Issues Under 35 U.S.C. §112, first paragraph

Claims 27 and 29-35 remain rejected under 35 U.S.C. §112, first paragraph for containing new matter. Applicants respectfully traverse the rejection.

Applicants maintain the position that incorporating the range of porosity of 0.279-0.477 cm³/g in claim 27 does not constitute the addition of new matter to the disclosure; however, in order to advance prosecution, Applicants have cancelled claim 27 and amended the dependent claims to depend from allowed claim 48 thereby rendering this rejection moot.

Applicants respectfully submit that in view of the above-amendment, the claims are in condition for allowance. A notice to such effect is earnestly solicited. However, should the

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Examiner find to the contrary, Applicants respectfully request that this amendment be entered into the official record to place the claims in better form for appeal.

If the Examiner has any questions concerning this application, he is requested to contact Garth M. Dahlen, Ph.D. Reg. No. 43,575, at (703) 205-8000 in the Washington, D.C. area.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to August 8, 2003 in which to file a reply to the Office Action. The required fee of \$55.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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